

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 7, 1947  
10:35 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry - 5  
Absent : None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; E. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

The application of JAMES EDGAR CRIDER, 2011 Alta Vista, for taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

The application of NORREL GILBERT, Colored, 1170 Ridgeway Drive, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

The application of HOMER TOM WILSON, 108 Academy Drive, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry  
Noes : None

The application of LUTHER ELBERT BUCK, 2519 Lake Austin Boulevard, for a license to operate as a taxicab a 1946 Model Plymouth Sedan, Motor No. F1548752, State License No. JA-8923, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of HURSHHELL H. HATLEY, 401 Neches Street, for a license to operate as a taxicab a 1941 Model Chevrolet, 4-door Sedan, Motor No. AA1193, State License No. JB-2263, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of HURSHHELL H. HATLEY, 401 Neches Street, for a license to operate as a taxicab a 1946 Model 4-door Ford Sedan, Motor No. 91A1016835, State License No. JA-8350, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of HURSHHELL H. HATLEY, 401 Neches Street, for a license to operate as a taxicab a 1941 Model 4-door Chevrolet Sedan, Motor No. AA499025, State License No. JC-453, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of ORA A. SUMMERS, 401 Neches Street, for a license to operate as a taxicab a 1941 Model Studebaker Sedan, Motor No. H-126001, State License No. JB-1828, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

It was moved by Councilman Thornberry that, upon the recommendation of the Chief of Police, the taxicab driver's permit heretofore issued to VERNON H. HOWETH be cancelled. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The appeal of CHARLIE LEE BROWN, 1134 Lawson Lane, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Thornberry that

the said Charlie Lee Brown be granted a 90-days probationary permit to drive a taxicab. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of D & B CAFE, 2508 Guadalupe Street, by Dave Bassist, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of POUNDS PLACE, 1701 East 1st Street, by Dave Bassist, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in MILAM PLACE, from a point 129 feet west of Kenwood Avenue east to Kenwood Avenue, the centerline of which gas main shall be 17 feet south of and parallel to the north property line of said Milam Place.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (2) A gas main in EAST 4TH STREET, from a point 83 feet east of Pedernales Street easterly 76 feet, the centerline of which gas main shall be 11 feet north of and parallel to the south property line of said East 4th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (3) A gas main in EVANS AVENUE, from a point 80 feet north of East 50th Street southerly 38 feet, the centerline of which

gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Evans Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (4) A gas main in WEST 49TH STREET, from a point 509 feet east of Woodrow Avenue easterly 100 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said West 49th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (5) A gas main in EAST  $38\frac{1}{2}$  STREET, from Banton Road easterly 200 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East  $38\frac{1}{2}$  Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (6) A gas main in FLORES STREET, from a point 159 feet west of San Marcos Street westerly 64 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of, and parallel to, the north property line of said Flores Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (7) A gas main in EAST 14TH STREET, from a point 58 feet east of Salina Street easterly 70 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of East 14th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (8) A gas main in HASKELL STREET, from a point 91 feet west of Chalmers Avenue westerly 88 feet, the centerline of which gas main shall be 23 feet south of, and parallel to, the north property line of said Haskell Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (9) A gas main in SOUTH 4TH STREET, from a point 117 feet south of West Mary Street southerly 72 feet, the centerline of gas main shall be 10 feet west of, and parallel to, the east property line of said South 4th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (10) A gas main in EAST 3RD STREET, from Elkhart Street westerly 146 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said East 3rd Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (11) A gas main in NORTH LOOP BOULEVARD, from Leralynn Street to Chesterfield Avenue, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of, and parallel to, the north property line of said North Loop Boulevard.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (12) A gas main in CHESTERFIELD AVENUE, from North Loop Boulevard northerly 112 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of, and parallel to, the east property line of said Chesterfield Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

**(RESOLUTION)**

WHEREAS, Carl Quick is the Contractor for the erection of a building located at 1520 Lavaca Street and desires a portion of the sidewalk and street space abutting Lots 9, 10, and 11, Block 12, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

1. That space for the uses hereinabove enumerated be granted to said Carl Quick, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 16th Street to a point 14 feet north of the south curb line; thence in a westerly direction and parallel to the centerline of West 16th Street approximately 138 feet to a point; thence in a southerly direction and at right angles to the centerline of West 16th Street to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Carl Quick, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "NO PARKING" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not

within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than January 1, 1948.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholemew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Pursuant to published notice thereof, the public hearing on the application of H. Y. Price, representing C. Ben Hibbetts, Walter H. Meyers, and John H. Meyers, to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "B-1" Residence District and Second Height and Area District, to-wit:

Lots 5, 6, 7, 8, 9, 10, 11, and 12, Block 1, Outlot 53, Division "D", being located on the north side of West 25th Street, between San Gabriel Street and Pearl Street, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner, or other interested person, appeared to protest the proposed change in zoning.

Councilman Thornberry then moved that the hearing be closed and the action of the Board of Adjustment sustained and the change be granted; and the City Attorney be directed to prepare the ordinance making the change effective. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes: None

Pursuant to published notice thereof, the public hearing on the application of Leopold Cohn and Mrs. Hazel B. Goldsmith to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "B" Residence District and Second Height and Area District to "C" Commercial District and Second Height and Area District, to-wit:

Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, and 34, Block 1, Duval Addition, being located on the north side of West 5th Street and east of Pressler Street, in the City of Austin, Travis County, Texas,

was duly opened.

Leopold Cohn, proponent, plead for the change on the grounds that he wants to build a warehouse for furniture on the property.

Adolf Schutze protested the change on the grounds that he owns property adjacent to the proposed change, on which he has invested ten thousand dollars in an apartment house, and also six thousand dollars on improvements on another piece of property in the same block, and that a warehouse would be detrimental to his property.

No other property owner or interested citizen desiring to be heard, the matter was taken under advisement by the City Council for an inspection of the property on the ground, pending a decision on same the following Thursday.

Pursuant to published notice thereof, the public hearing on the application of Wendon W. Thiele, by Earl Shelton, Attorney, for amendment to the Zoning Ordinance as follows:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "D" Industrial District, to-wit:

Lot 2, Block 3, Alta Vista Addition, known as  
4421 Bellvue Avenue, in the City of Austin,  
Travis County, Texas,

was duly opened.

Earl Shelton, Attorney for proponent, plead for the change on the ground that his client wishes to erect a small building on the rear of his lot for use as a refrigeration plant for the overnight storage of fruits and vegetables in connection with his business as a wholesale fruit and vegetable dealer.

The following property owners protested the change substantially as follows:

W. E. Allen, representing the School for the Blind; Dan J. Driscoll, for himself and representing W. T. Butler, John Munson, Ed Moritz, W. A. Driscoll, George Volz, and John Moritz; and other property owners, who declared that with the completion of Lamar Boulevard, the value of their property as residential will be enhanced, and they do not wish to see it destroyed by commercial establishments, nor the quiet of their homes interfered with.

No other property owner or interested citizen desiring to be heard, Councilman Thornberry moved that the hearing be closed and the recommendations of the Board of Adjustment sustained and the change be denied. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of Mrs. Wilhelmine B. Sheffield for change in zoning, from "A" Residence District to "C" Commercial District, of part of Lot 6, Buddington Subdivision, Outlet 77, Division "D", was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of Mrs. C. G. Rogers for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 49th Street and Airport Boulevard, northeast corner, legally described as Lots 66 and 67, Block U, Harmon Terrace, Ridgetop, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes: None

The following tabulation of bids received for the construction of a Sewage Lift Station at Taylor Slough was submitted by the City Manager:

"Austin, Texas  
August 5, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works.

Following is a tabulation of the bids received at 10:00 A. M., August 5, 1947, for the construction of a Sewage Lift Station at Taylor Slough:

Richard Schmidt & Son	- - - - -	\$ 8,540.00
Moore Construction Company	- - - - -	8,990.00
Joe Bland Construction Company	- - - - -	10,485.00
J. M. Odom	- - - - -	11,800.00
John Broad Construction Company	- - - - -	13,056.00

Richard Schmidt & Son is the low bidder, and I recommend that they be awarded the contract.

(Sgd) J.E.Motheral

Approval Recommended:

(Sgd) Guiton Morgan "

Councilman Glass moved that the bid of Richard Schmidt & Son, low bidder, in the amount of \$8,540.00, for construction of a Sewage Lift Station at Taylor Slough be accepted, and the City Manager be directed to enter into contract with the said Richard Schmidt & Son accordingly. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Wilshire Wood, Section IV," approved by the City Plan Commission of the City of Austin on July 31, 1947, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Pemberton Heights, Section 12," approved by the City Plan Commission of the City of Austin on May 29, 1947, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Carl Quick is the Contractor for the second floor addition to a building located at 303 West 6th Street and desires a portion of the sidewalk and street space abutting Lot 7, Block 53, of the Original City of Austin, Travis County, Texas, during the second floor addition to a building, such space to be used in the work for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Carl Quick, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 6th Street to a point 14 feet north of the south curb line; thence in an easterly direction and parallel to the centerline of West 6th Street approximately 20 feet to a point; thence in a southerly direction and at right angles to the centerline of West 6th Street to the north line of the above described property.

One parking meter space immediately adjoining this barricade on the east and west ends of this barricade shall be blocked out in order to facilitate the ingress and egress of trucks supplying material.

2. THAT the above privileges and allotment of space are granted to the said Carl Quick, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "NO PARKING" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than October 1, 1947.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12.) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, A. Kaplan is the Contractor for the alteration and extension of a building located at 716 Congress Avenue and desires a portion of the sidewalk and street space abutting the south 1/2 of Lot 5, Block 83, of the Original City of Austin, Travis County, Texas, during the alteration and

extension of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. Kaplan, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue 4 feet to a point; thence in a southerly direction and parallel to the centerline of Congress Avenue 23 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of the alley approximately 9 feet to a point; thence in a southerly direction and parallel to the centerline of the alley approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of the alley to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said A. Kaplan, hereinafter termed "Contractor", upon the following express terms and conditions:

(1.) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade, for the delivery or removal of materials during construction work.

(2.) That the Contractor shall construct a guard rail within the boundary line along the north, west and south lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(3.) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(4.) That no vehicles in loading or unloading material at the working space shall park on any part of the alley outside of the allotted working space.

(5). That "NO PARKING" signs shall be placed on the alley side of the barricades.

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 1, 1947.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12.) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public utilities and public property disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

it

Which motion, carrying with/the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description of Boat</u>
Christopher, W. R., 4104 Speedway	Home-built, Outboard, "Wendy", Johnson, 4-passenger
Counts, D.G. & M.N., 1805 West Ave.	Sportmaster, Outboard, 1947, "Nita", 6-passenger

Councilman Bartholomew moved that the applications be approved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry  
Noes : None

The following applications for Commercial boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description of Boat</u>
Searight, Geo. P., Bee Cave Rd.	Wood, Outboard, 6-passenger
Searight, Geo. P., Bee Cave Rd.	Wood, Homemade, Outboard, 10-passenger
Searight, Geo. P., Bee Cave Rd.	Home-made, Wood, Outboard, 10-passenger
Searight, Geo. P., Bee Cave Rd.	Wood, Row boat, 4-passenger

Councilman Bartholomew moved that the applications be approved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry  
Noes : None

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF THE PORTION OF SPUR HIGHWAY NO. 178 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, HEREIN-ABOVE REFERRED TO AS "THE STREET PROJECT" AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF THE SAID STREET PROJECT; FOR THE INDEMNIFICATION OF THE STATE OF TEXAS, BY THE CITY, AGAINST ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY, AND FOR EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance has been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTION 21 (b), SECTION 22 (e), SECTION 22 (f), AND SECTION 26 (a), RELATING RESPECTIVELY TO NO-PARKING, ONE-HOUR, TWO-HOUR, AND ANGLE PARKING ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance has been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTIONS 22 (f) and 26 (a), RELATING RESPECTIVELY TO TWO HOUR PARKING LOCATIONS AND ANGLE PARKING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance has been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 2 OF SAID ORDINANCE RELATING TO THE ESTABLISHMENT OF PARKING METER ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes ; Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The ordinance was then read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance has been finally passed.

The application of Mrs. Bessie Menen, through her attorney, Hardy Hollers, for a change in zoning of property known as 509 Pedernales Street, from "E" Heavy Industrial District to "C-1" Commercial District, was received. As said application covered the same property, to-wit, Lot 6, Morseland Place, Outlot 11, Division "A", located at the southeast corner of East 6th Street and Pedernales Street, on which the City Council on June 12, 1947, after public hearing, voted to sustain the action of the Board of Adjustment and deny a like change, the same could not therefore, under the terms of the Zoning Ordinance, be reconsidered at this time.

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

Applicant : Jasper Glover

I. Referred to the Board by the City Council on : July 24, 1947

II. Property affected:

Lot 10, Block 5, Outlot 9, Division "B", Grandview Heights,  
being located at the northeast corner of East 11th Street  
and Prospect Avenue.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on: August 5, 1947

V. Parties appearing:

For : None (No hearing held)

Against : None

VI. Action of the Board: Above change not recommended.

For the following reasons:

1. The applicant is requesting a change in the zoning of a triangular lot at the northeast intersection of East 11th Street and Prospect Avenue to permit the operation of a grocery store and ice house.
2. The applicant had previously requested a variation from the Board to permit the erection and operation of a cafe and ice house after having practically completed the buildings as shown on the attached plot plan without securing a building permit for this construction, which variation was denied.
3. The applicant is now requesting that this property be zoned commercial so that his buildings may be used for business purposes.
4. This property is located in a residence area, so designated and so developed, and is approximately three blocks from the Rosewood Housing Project, and there is a community center now existing at East 11th Street and Chicon Street and commercial districts along East 7th Street and on Rosewood Avenue which are sufficient to serve this district, all within a few blocks of this property.
5. The Board deemed that to change the zoning of this small, triangular lot under a single ownership would create a spot zone of the worst type in a residence neighborhood which is already adequately provided with commercial property to serve the occupants, and that the present classification as residence district should be retained.

6. The Board further deemed that the zoning of this property as "C" Commercial to permit the applicant to operate a commercial business in buildings which were erected without regard to the zoning Ordinance would be aiding and abetting a violation of the Zoning Ordinance.

(Sgd) H. F. Kuehne  
Chairman

Councilman Glass moved that a public hearing on above application be set for August 28, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 1, page 65, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Glenridge, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys herein referred to is 16 feet in width and being the alley one-half block east of and parallel to Mills Avenue and extending from West 37th Street to Lakeside Boulevard; and

WHEREAS, said alley has never been opened to the public; and

WHEREAS, the owners of all the property abutting said alley have requested the City Council of the City of Austin to close said alley; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley 16 feet in width which is one-half block east of and parallel to Mill s Avenue and extending from West 37th Street to Lakeside Boulevard as referred to above, be closed and vacated except the City of Austin hereby retains utility easement rights, in, upon and across said alley.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with E. H. Perry, for the construction of water lines and sewer lines in Highland Park West, in accordance with the terms and provisions of a certain contract a copy of which is attached to this Resolution and made a part hereof for all purposes.

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller.

MAYOR

Attest:

Hellen M. Keller

CITY CLERK